Restoration of the seniority of SC and ST employees on promotion

2217. SHRI GANDHI AZAD : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether it is a fact that the Prime Minister announced Government's resolve to bring about a Constitutional Amendment to restore the seniority of SC and ST employees on promotion as it existed before issuing DOPT OM No. 2001, 1/1/96-Estt. (D), dated 30th January, 1997 in the Convention of SC/ST MPs on 5th December, 1999;

(b) if so, the action taken thereon and progress achieved in bringing about the proposed Constitutional Amendment; and

(c) the status of the proposed Constitutional Amendment as on today?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY) : (a) Yes, Sir.

(b) and (c) The Constitution (Ninety-second) Amendment Bill, 2001 to amend Article 16(4a) of the Constitution to provide for consequential seniority also in the case of promotion by virtue of rule of reservation has since been passed by the Parliament and it is awaiting assent of the President.

Speedy, economical and fair justice to common man

2218. SHRI KRIPAL PARMAR : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether he is aware that eye witnesses turn hostile from their testimony before the judge in the court due to money and influence;

(b) if so, whether it is a fact, that taking undue advantage of provisions of Indian Criminal Procedure Code, Lawyers get engaged in saving the accused by unfair means instead of helping the court to get to the root of the truth ; and

(c) if so, what reforms Government are contemplating for speedy, economical and fair justice to the common people of the country?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY) : (a) and (b) The Law Commission of India in their 154th Report on the Code of Criminal Procedure, 1973 has recommended, *inter-alia* insertion of a new sub-section, 1(A), in section 164 to read as follows :

"Every Investigating Officer shall send to the nearest Magistrate all material witnesses during the course of investigation and the Magistrate on oath record their statements, if such Magistrate is empowered to take cognizance of the case on police report. He shall keep such statements alongwith the FIR received by him and await the further police report under section 173. If he is not empowered to take such cognizance, he shall send the statements thus recorded on oath to the Magistrate empowered to take cognizance of the case."

In regard to a specific time-frame for a decision on the above, the Government has to take a view of the recommendations of the Law Commission in the 154th Report in entirety.

(c) Government has proposed various remedial measures to provide fast, cost effective and fair justice to the countrymen. These include amendment of Civil Procedure Code and the Code of Criminal Procedure. The Code of Civil Procedure (Amendment) Bill, 2000 and the Code of Criminal Procedure (Amendment) Bill, 1994 are pending consideration of Parliament. Further as regards Criminal Procedure Code and the Indian Penal Code, the Law Commission of India has comprehensively reviewed both the Acts.

Further measures taken for speedy and cost effective justice are to increase the number of posts of Judges/Judicial Officers, establishment of Special Courts/ Tribunals and adoption of alternative modes of dispute resolution, such as arbitration and conciliation. Lok Adalats have been given a statutory base as supplementary forum for resolution of disputes. By March, 2001 the Lok Adalats have disposed of 1.67 crore (approx.) cases in the country.

Public and private Ltd. companies in the country

2219. SHRI LALIT BHAI MEHTA :

SHRIMATI SAVITA SHARDA :

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) The number of public and private limited companies that have been registered as on 30th September, 2001 in the country, State-wise and Union territory-wise;

(b) the total capital, other investments and turnover of these companies;

(c) the total employment given in these companies;

(d) whether it is a fact that more than 50 per cent of these companies are running into losses;